

IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF TEXAS  
 AMARILLO DIVISION

STEVE LOUIS OUDEMS, PRO SE,	§	
TDCJ-CID #1070555,	§	
Previous TDCJ-CID #650333	§	
Plaintiff,	§	
	§	
v.	§	2:09-CV-0298
	§	
PATSY BELL, DIANA BOZEMAN, and	§	
FRANK HOKE,	§	
	§	
Defendants.	§	

**ORDER OF DISMISSAL**

Plaintiff STEVE LOUIS OUDEMS, while a prisoner confined in the Texas Department of Criminal Justice, Correctional Institutions Division, filed suit pursuant to Title 42, United States Code, section 1983 complaining against the above-referenced defendants and has been granted leave to proceed *in forma pauperis*.

On December 30, 2009, a Report and Recommendation was issued by the United States Magistrate Judge analyzing plaintiff's claims and recommending dismissal with prejudice as frivolous.

Plaintiff filed his Objections on January 8, 2010.

The Court notes that subsequent to the filing of his Objections to the Report and Recommendation, plaintiff was transferred to the Ferguson Unit. Consequently, plaintiff's request for injunctive relief is moot. *Beck v. Lynaugh*, 842 F.2d 759, 762 (5<sup>th</sup> Cir. 1988).

By his Objections, plaintiff argues he has shown actual injury by his allegation that his November *Epps* motion never reached the Court of Appeals; however, plaintiff also states the *Epps* motion was logged and mailed from the unit law library and was "lost in the mail." Plaintiff says he

has resubmitted the motion and it is awaiting review. This argument does not support any claim of constitutional dimension, and, at most, may support a claim of negligence.

Plaintiff also argues in his Objections that he cannot Shepardize any federal cases, but he does not show any actual injury resulting from this alleged inadequacy. Plaintiff has utterly failed to show he has sustained the “actual prejudice with respect to contemplated or existing litigation, such as the inability to meet a filing deadline or to present a claim” necessary to support an access to court claim.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation, as well as the Objections filed by the plaintiff.

The Court is of the opinion that the objections of the plaintiff should be OVERRULED and the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court, as supplemented herein.

This Court, therefore, does OVERRULE plaintiff's objections, and does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge, as supplemented herein.

IT IS THEREFORE ORDERED that this Civil Rights Complaint is DISMISSED WITH PREJUDICE AS FRIVOLOUS and plaintiff's request for injunctive relief is DISMISSED AS MOOT.

LET JUDGMENT BE ENTERED ACCORDINGLY.

All pending motions are DENIED.

IT IS SO ORDERED.

ENTERED this 22<sup>nd</sup> day of January, 2010.

/s/ Mary Lou Robinson  
MARY LOU ROBINSON  
UNITED STATES DISTRICT JUDGE